



# Montana Department of LABOR & INDUSTRY

Division: Workforce Services Division

Category: WIOA

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## Title I Adult and Dislocated Worker Program Policy

**Background:** The Workforce Innovation and Opportunity Act (WIOA) offers an integrated and comprehensive range of services consisting of workforce development activities benefiting businesses, job seekers and communities. The purposes of WIOA are to:

- Increase, particularly for individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services needed to succeed in the labor market;
- Support the alignment of workforce, education, and economic development systems for a comprehensive, accessible, and high-quality workforce development system;
- Improve the quality and labor market relevance to workforce, education, and economic development efforts to provide individuals with the skills and credentials necessary to secure and advance in employment with family-sustaining wages, and to provide business with the skilled workers needed to succeed in a global economy;
- Promote improvement in the structure and delivery of services through the workforce development system to better address the educational and the training needs of workers, job seekers, and business;
- Increase the prosperity of workers and business; the economic growth of communities, regions, and states; and the global competitiveness of the United States; and
- Provide workforce activities, through the state workforce development system, that increases clients' employment, retention, earnings, and attainment of recognized postsecondary credentials, and as a result, improve the quality of the workforce, reduce dependency on public assistance, increase economic self-sufficiency, meet the skills requirements of business, and enhance the productivity and competitiveness of the nation.

This policy replaces Job Service policy B3.70 Services to Dislocated Workers from the ES Policy Manual.

**Scope:** This policy applies to all service providers operating WIOA Title I Adult and/or Dislocated Worker, WIOA Title I Adult and Dislocated program manager(s), WIOA fiscal officers and the WIOA monitoring team. This policy is effective April 30, 2018.

### Policy:

#### Adult and Dislocated Worker General Eligibility:

- To receive Title IB Adult or Dislocated Worker individualized career and training services, an individual must:
- Be a U.S. Citizen or Registered Alien; and
- Meet Selective Service Registration requirements, if applicable.

#### Adult Eligibility Requirements:

- Individuals must be 18 years of age or older and meet at least one of the eligibility priority of services (low-income, public assistance or basic skills deficient). [General Eligibility Policy](#)

## Adult Priority of Service:

- Career services are universally available to all individuals entering a one-stop system facility. However, covered persons (veterans and eligible spouses of veterans) are given priority of service over non-covered persons.
- Adult Service Priority:
- Priority of individualized career and training services shall be given to individuals with barriers to employment, recipients of public assistance, low-income, and individuals who are basic skills deficient.
- A low-income individual is an individual who:
  - Receives, or in the past 6 months has received, or is a member of a family that receives, or in the past 6 months has received assistance through:
    - SNAP in accordance with the Food and Nutrition Act of 2008;
    - TANF under Part A of Title IV of the Social Security Act;
    - SSI (supplemental security income) established under Title XVI of the Social Security Act; or
    - State or local income-based public assistance. In Montana, this is General Assistance (GA); Refugee Cash Assistance (RCA); and ACA Medicaid.
  - Received an income, or is a member of a family that received a total family income, that did not exceed the higher of:
    - The poverty line; or
    - 70 percent of the lower living standard income level. Montana uses the 70 percent of the lower living standard income level to determine low-income. [Family Size and Income Determination Policy](#)
  - Qualifies as a homeless individual as defined in Section 41403(6) of the Violence Against Women Act of 1994; or
  - An individual with a disability whose own income meets the requirements of the poverty level described above, but who is member of a family whose income does not meet this requirement.
- Individuals who are recipients of public assistance (TANF, SNAP, SSI, ACA Medicaid, RCA, or GA) are considered to meet Categorical Income Eligibility and may be automatically income eligible and no further income eligibility and no further income verification is required if the individual has provided acceptable documentation. Acceptable documentation includes:
  - SNAP documentation must be dated within the last 6 months and verifies the applicant receives, has received in the last 6 months, or is a member of a household that is receiving or has received in the last 6 months, SNAP benefits. Example of documentation includes:
    - Letter of Award if the individual is the recipient or documentation that lists the individual is a member of the household receiving SNAP.
  - ACA Medicaid: Medicaid card must be in the applicant's name.
  - Cash Public Assistance:
  - TANF documentation must be dated within the last 6 months and verifies the applicant receives, has received in the last 6 months, or is a member of a household that is receiving or has received in the last 6 months, TANF payments. Example of documentation includes:
    - Letter of Award if the individual is the recipient or documentation that lists the individual as a member of the family receiving TANF.
  - SSI, RCA and GA are payments made to a single recipient. The individual applying to WIOA must have received a payment dated within the last 6 months. Example of documentation includes:
    - Letter of Award or other authorization notice to receive cash public assistance.

## Adult Individuals with Barriers to Employment Include the Following Populations:

- Displaced homemakers;
- Low-income individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities, including individuals who are in receipt of Social Security Disability Insurance;
- Older individuals (age 55 and older);
- Ex-offenders;
- Homeless individuals;
- Individuals who are:

- English language learners,
- Individuals who have low levels of literacy (an individual is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, or in the individual's family, or in society), and
- Individuals facing substantial cultural barriers;
- Eligible migrant and seasonal farmworkers;
- Individuals within two years of exhausting lifetime TANF eligibility;
- Single parents (including single pregnant women); and
- Long-term unemployed individuals (unemployed for 27 or more consecutive weeks).

#### Dislocated Worker Eligibility Requirements:

- A dislocated worker is an individual who:
  - Has been terminated or laid off from their job, or who received a notice of termination or layoff, from their employer;
  - Separating military service members (non-retiree) and military spouses may be enrolled for series as dislocated workers. Recently separated veterans and transitioning service members are considered to have received a notice of termination or layoff from their employer (DD-214).
  - Is eligible for or has exhausted their unemployment payments; or
  - Has been employed for a duration sufficient to demonstrate attachment to the workforce, but cannot get unemployment compensation because of insufficient earnings or having done work for a business not covered under a state unemployment compensation law; or
  - Is unlikely to return to a previous industry or occupation;
  - Has been profiled utilizing Montana's UI profiling and the referral process satisfies the criteria necessary to meet the categories of service priority for Dislocated Workers. Claimants who have been referred from UI through 100% or RESEA meet the definition. In such cases, documentation of the referral is sufficient to establish dislocated worker eligibility.
  - Has been terminated or laid off, or has received a notice of termination or layoff, from employment because of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise;
  - Is employed at a facility which the business has made a general announcement that such facility will close within 180 days or for purpose of eligibility to receive services other than training services, career services or supportive services, is employed at a facility at which the business has made a general announcement that such facility will close;
  - Was self-employed (including employment as a farmer, rancher or a fisherman) but is unemployed because of general economic conditions in the community in which the individual resides or because of natural disasters; or
  - Is a displaced homemaker; or
  - Is a spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member or is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

#### Dislocated Worker Priority of Service:

- Plant closures or significant dislocation events are given priority for Individualized Career and Training services. All other eligible individuals impacted are considered of equal status for receipt of services notwithstanding federal requirements pertaining to priority for covered persons (veterans and eligible spouses).
- The categories that apply to Service Priority for Dislocated Workers are as follows:
  - Termination of employment:
  - Notice of Termination:
  - Public/General Announcement:
  - Unlikely to return to a prior occupation or industry:
- Priority of Service for Covered Persons, also known as Veterans' Priority of Service is required for Dislocated Workers. Refer to the [Veteran Program Policy](#) to determine priority for Veterans and Covered Persons.

## Adult and Dislocated Worker Eligibility Verification:

- Verification of eligibility is used to ensure the reliability of the client information in the Management Information System (MIS), to guarantee services are provided to persons most in need, and to avoid potential disallowed costs. Once an applicant is determined to be eligible, verification of eligibility must be completed using the [Adult Verification Worksheet](#) or the [Dislocated Worker Verification Worksheet](#). No individualized career services may be provided until the client has furnished proof of eligibility to the enrolling service provider.
- Copies of all documentary evidence must be maintained in the client's file. For those ex-service members without a DD-214, service providers should work with local or state veterans' staff to obtain a copy. The lack of a DD-214 cannot be used to deny services; it is the responsibility of the provider, in concert with the individual, to obtain a DD-214 in the absence of other allowable documentation.
- If an applicant is unable to produce the necessary documents to prove eligibility, service providers have two options to determine eligibility:
  - Verify information given via telephone contact using the [Telephone Verification Form \(WIOA.15\)](#) with a business or by document inspection; or
  - An [Applicant Statement Form \(WIOA.18\)](#) may be used; however, the case manager must ensure applicant statements and staff verifications are allowable from the perspective of the federal data validation requirements.

## Adult and Dislocated Worker Initial Assessment:

- The initial assessment is part of the overall intake process and includes the initial determination of each individual's employability, aptitudes, abilities and interests through interview, testing and counseling. All clients must have an initial assessment completed to evaluate basic skills, experience and the appropriateness for service and ability to benefit from WIOA. When the initial assessment indicates the Individualized Career Services are appropriate, an Individual Employment Plan (IEP) is then completed for adults and dislocated workers.

## Comprehensive Assessment Guidelines:

- A complete assessment is an independent, comprehensive evaluation of an individual, designed to identify information vital to the development of a service strategy and to set goals and objectives, which culminate in gainful employment.
- The IEP shall be revised on a regular basis and amended, as appropriate, when additional needs are identified, or goals are achieved. The assessment is a holistic, ongoing, process and should not be viewed as a one-time event. It shall include a full array of options for the client from which program staff, together with the client, make informed decisions and select the appropriate services, which will best enable the client to seek and retain long-term self-sufficient employment.
  - Assessment means an examination of the capabilities, needs and vocational potential of an applicant or client.
  - An initial assessment indicates that additional services are appropriate and triggers the completion of an IEP and registration in the Adult or Dislocated Worker program. A comprehensive assessment is completed upon enrollment in the WIOA program. The comprehensive assessment provides specific information for the development of the IEP.
  - WIOA service providers must use the assessment tools provided through the Montana Career Information System (MCIS) when working with their clients in the comprehensive assessment process. Through the use of this tool, the client will create a customized electronic portfolio, if one hasn't already been established, which will guide their career planning and be accessible to partner program operators such as Adult Basic Education and Vocational Rehabilitation in the event the client needs to be referred to these partners for services. Providers shall use the LMI and MCIS tools that are most appropriate to assess the needs of the individual client. If a portfolio has previously been established, the service provider must review the tools and assessments available with the client to determine if additional activities are needed.

## Basic Skills Assessment Guidelines:

- Only Adult and Dislocated Workers entering training to be funded with WIOA funds must complete the Test for Adult Basic Education (TABE). Individuals that can provide other acceptable documentation listed under the TABE acceptable alternatives may be excused from the TABE. The TABE is not required

for enrollment and shall be administered within a reasonable time following enrollment based upon the client's plan.

- A copy of the TABE scoring sheet indicating grade level skill must be maintained in each client file. The results need to be quantifiable through grade equivalency scores or raw score from criterion-reference assessment tools and entered in MWorks. Plans to address basic skills deficiencies for those that tested at or below the eighth grade (8.9) must be documented in the IEP.
- Post-testing is not a requirement for Adults and Dislocated Workers. However, if it's determined that the client should be post-tested this shall only occur if the client has gone through remediation or tutoring to determine if they've raised their basic skills. Individuals may be post-tested several times as appropriate while they are enrolled in the program. How often depends on a plan developed by the case manager and the client. Apply the 30 to 60-day interval between post-testing.
- Acceptable TABE alternatives must have documentation placed in the client's file and be documented in case notes. Acceptable documentation includes:
  - High School equivalency and transcripts and High School transcript (showing graduation) within the last year (transcripts must show client is not basic skills deficient);
  - Degree or certificate from college, university or technical school;
  - Current Transcripts;
  - Collateral contacts with school/college which include the name and results of the assessment; and
  - ACCUPLACER (College Placement Test) taken within the last year and using the latest version of the test.

#### Individual Employment Plan (IEP) Description:

- An IEP is required for Adult and Dislocated Worker clients in the WIOA Individualized Career and Training services; the plan is a continual process. The IEP is developed in partnership with the client. The IEP identifies where the client is, where the client wants to be and the appropriate mix and sequence of services and support to reach a realistic employment goal. The development of the IEP and updates or revisions shall be based upon the results of the comprehensive assessment process.
- Initially the IEP shall be the basic instrument, which documents:
  - That the client has had an initial assessment; and
  - The decisions made regarding the mix and combination of services for the client, including referrals.
- The IEP form shall include a description of:
  - Short and long term goals(s) and objectives;
  - Appropriate, measurable achievement objectives to meet those goals;
  - Mix and sequence of services and other resources needed;
  - Organizations and/or individuals who will provide those services or resources; and
  - The twelve-months of supplemental follow-up contact with clients who have exited to unsubsidized employment for performance purposes; and the twelve months of follow-up services which may be provided to clients who have entered unsubsidized employment to help them with employment retention, wage gains, and their career progress. The extent of the follow-up services provided may be based on the availability of funding.
- Service providers must use the [IEP Form](#) provided on the Montana Department of Labor and Industry WIOA website.
- A signed copy (signed by program staff and client) must be provided to the client and the original attached to the IEP and maintained in the client's file.
- Once the IEP form is complete and the client is enrolled in WIOA, case managers must open a MWorks Employment Plan for that client. The goals, objectives and potential services based on the information on the IEP Form shall be set up in the MWorks Employment Plan and from that point on, case managers will use the MWorks Employment Plan as a continuance of the IEP. The MWorks Employment Plan shall be reviewed regularly, updated quarterly, and documented in case or progress notes. Follow-up services must be opened on the current MWorks Employment Plan for all Adults who have exited to unsubsidized employment. Case managers will not open a separate MWorks Employment Plan for Follow-up.
- The client will not be required to sign the MWorks Employment Plan each time the plan is updated unless there are major changes in the goals.



## IEP Goals and Objectives:

- Goals and objectives are the desired short and long-term program goals and outcomes and the steps established between program staff and the client which, when reached, represent successful completion of that portion of the service plan. For each employment goal there shall be one or more interim objectives. These objectives should be achievable in manageable steps, enabling the client to attain success.
- Not every agency can provide all the services indicated by the comprehensive assessment and noted in the IEP. The expectation is that if the needed services exist and are accessible in a community the agency will make a reasonable, concerted effort to link clients with those services. However, it is recognized that enrollment in WIOA is neither an entitlement nor legal right to services, nor automatic access to limited resources. Therefore, it is expected that if needed services are not available, it shall be documented on the IEP, and alternative plans shall be developed.

## Adult and Dislocated Worker Services and Activities:

- Career Services for Adults and Dislocated Workers consist of 3 types: Basic, Individualized and Follow-up.
- **Basic Career Services** are universally available to everyone entering the facility. Other partner sites need only provide the career services appropriate to their clients and funding source. Basic Career Services include:
  - All self-help services and basic career services requiring minimal staff assistance including:
    - Determination of eligibility to receive assistance from the Adult or Dislocated Worker programs; and
    - Outreach, intake, and orientation to the information and other services available through the one-stop delivery system;
  - Orientation – all individuals entering, or re-entering services are to be oriented to the program. Topics for orientation include:
    - An introduction to the program – purpose and goals;
    - Rules and regulations of the program;
    - Provider responsibilities;
    - Client responsibilities;
    - Program resources and supportive services available;
    - Job-related injury procedures; and
    - Wage and pay information;
  - Orientation must include
    - Information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices. Documentation that the clients have received information regarding the above-mentioned procedures in the completed two-part “[Equal Opportunity is the Law](#)” client discrimination form. One copy of this document must be maintained in the client file and one must be provided to the client;
    - Initial assessment of skill levels, aptitudes, abilities and supportive service needs;
    - Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas. Labor Market Information (LMI) must be provided to clients in every program. LMI will encompass four major areas:
      - National job trends, including supply and demand;
      - Local job opportunities;
      - Education and skill requirements for jobs; and
      - Job seeking skills (writing resumes, job interview techniques, etc.).
    - LMI can be obtained from Montana Department of Labor and Industry’s [Research and Analysis Bureau web page](#) and through career awareness programs such as Montana Career Lab.
  - Provision of performance information and program cost information on eligible providers of education, training and workforce services by program and type of providers;
  - Provision of information regarding how the area is fulfilling performance measures and any additional performance information with respect to the one-stop delivery system in the area;

- Provision of information relating to the availability of supportive services including child care, child support, medical or child health assistance, SNAP, Earned income tax credit, TANF and transportation available in the area and referral to such services, as appropriate;
- Provision of information regarding filing claims for unemployment compensation;
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under WIOA and are available in the local area;
- Rapid Response – may only be used by designated staff or agency that receives Rapid Response funds; and
- One-stop resource room and workshop services.
- **Individualized Career Services** are available to Adults and Dislocated Workers who are members of a priority group and must be made available if determined to be appropriate in order for an individual to obtain or retain employment.
  - Individualized career services include:
    - Comprehensive and specialized assessments of the skill levels and service needs, which may include:
      - Diagnostic testing and use of other assessment tools; and
      - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
    - Development of an IEP to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the client to achieve the employment goals;
    - Group counseling;
    - Individual counseling;
    - Career planning;
    - Case management for clients seeking training services;
    - Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
    - Work Experience/Internships;
    - Adult Basic Education;
    - Financial Literacy Services; and
    - Out of area job search assistance and relocation assistance.
- **Follow-up Services** must be provided, as appropriate, including counseling regarding the workplace, for Adults or Dislocated Workers placed in unsubsidized employment, for up to twelve months after the first day of employment.
  - While follow-up services must be made available, not all the Adults and Dislocated Workers who are registered and placed into unsubsidized employment will need or want such services.
  - Clients placed in follow-up services must be contacted by the case manager at least once per quarter to see if they need assistance in job retention, wage gains and career progress.
  - Follow-up services include, but are not limited to:
    - Additional career planning and counseling;
    - Contact with the client's employer, including assistance with work-related problems that may arise;
    - Peer support groups;
    - Information about additional educational opportunities, and referral to supportive services available in the community; and
    - Case management administrative follow-up.
  - Financial assistance is not an allowable follow-up service.
- **Training Services** are any WIOA funded and non-WIOA funding training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access to all customers.
  - Training services may be provided to Adults and Dislocated Workers:
    - Who have met the eligibility requirements for individualized career services;

- Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
  - Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants.
- Training services may be provided to individuals who otherwise meet the requirements while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIOA funds used to pay the tuition portion of the training costs from the Pell Grant. Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.
- Training services shall be provided through providers listed on the [Montana Eligible Training Provider List \(ETPL\)](#) unless noted otherwise in the following list of training services. Further information regarding the ETPL may be accessed in the [ETPL Policy](#).
- Training services may include:
  - Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; (requires ETP)
  - Incumbent Worker Training (IWT); (does not require ETP)
  - **On-the-Job training**; (does not require ETP)
  - Programs that combine workplace training with related instruction, which may include cooperative education programs; (requires ETP)
  - Training programs operated by the private sector; (requires ETP)
  - Transitional Jobs; (does not require ETP)
  - Skill upgrading and retraining; (requires ETP)
  - Entrepreneurial training; (requires ETP)
  - Job readiness training; (does not require ETP)
  - Adult education and literacy activities provided in combination with services described in any clauses (i) through (vii) of WIOA Section 134 (d)(4); (does not require ETP)
  - [Customized training](#) conducted with a commitment by a business or group of business to employ an individual upon successful completion of the training; (does not require ETP)
  - Short-term pre-vocational training that is generally one week (40 hours) or less which does not provide certification or a credential upon completion. (does not require ETP)
- WIOA funding may be used for training that lead to a goal of self-employment.
- Training Payments
  - The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIOA funding may be used for any expenses considered to be part of the Cost of Attendance that cannot be met from the Pell or other grant assistance. In situations of co-enrollment with other WIOA or non-WIOA programs (e.g. TAA, etc.), the case manager will coordinate with the training provider and other programs to ensure the client's training needs are met and there is no duplication of services. WIOA funding shall always be a supplement to other grant assistance.

## Case Management and Career Planning

- Career planning is the provision of a client centered approach in the delivery of services designed to:
  - Prepare and coordinate comprehensive IEP's, such as service strategies, for clients to ensure access to necessary workforce investment activities and services, using where feasible, computer-based technologies; and
  - Provide job, education, and career counseling during program participation and after job placement.
- Case Management Responsibilities include:
  - Providing testing of basic skills, comprehensive assessment and testing;
  - Co-enrolling in all applicable programs as appropriate;
  - Maintaining consistent contact with clients as appropriate; and, if unable to make contact after repeated attempts in a 90-day period, closing all services and enrollments effective the date the services were last provided;
  - Developing and continually updating of an IEP;



- Determining if client requests for training services and supportive or other services are allowable, appropriate and able to be funded;
- Coordinating joint training plans and employment services as appropriate;
- Monitoring the progress of clients in their approved plan;
- Recording all program services and case notes in MWorks within the required timelines and as service/contact occurs, reflecting any significant issues or changes;
- Maintaining the client file;
- Ending the client's services and program enrollment when services are no longer being provided; and
- Ensuring that clients are aware of their responsibilities.
- A significant failure to meet these case management responsibilities based on program monitoring may result in formal corrective action if there is no improvement from one year to the next.
- Case managers must inform clients of their following responsibilities:
  - Obtaining prior approval for any type of service or assistance from the WIOA program;
  - Informing case manager of progress;
  - Informing case manager of changes (address, phone number, classes or training, personal situations, etc.) in a timely manner (as it is happening, not weeks/months later);
  - Informing case manager of problems in any area (training, personal, financial, etc.) that could impact successful completion of their approved plan;
  - Informing case manager of work status; and
  - Timely submitting copies of grades, certifications, diplomas, registration schedule, bills, receipts, etc.

#### Administrative Requirements:

- The WIOA Title I Adult and Dislocated Worker program manager(s) shall provide technical assistance to case managers.

#### Monitoring and Evaluation:

- A formal monitoring will be conducted on an annual basis by the entity designated by SWIB.

#### References:

- [Violence Against Women Act of 1994](#)
- [20 CFR 680 Adult and Dislocated Worker Activities](#)